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N.J. BOARD OF DENTISTRY  
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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF DENTISTRY

IN THE MATTER OF THE SUSPENSION:  
OR REVOCATION OF THE LICENSE OF:

Administrative Action

**SANDRA A. FERRARA, D.M.D.** :  
License No. 19636 :

**FINAL ORDER  
OF DISCIPLINE**

TO PRACTICE DENTISTRY :  
IN THE STATE OF NEW JERSEY :

CERTIFIED TRUE COPY

The New Jersey State Board of Dentistry issued a Provisional Order of Discipline on April 3, 2001, following review of information which indicated that Sandra A. Ferrara, D.M.D. ("respondent"), had failed to comply with the terms of a consent order entered by the Board on September 9, 2000. Specifically, the information reviewed demonstrated that respondent had failed to complete the twenty-one (21) hours of remedial continuing education in basic pediatric dentistry and seven (7) hours in radiology by December 31, 2000 as required by that consent order. The Board's provisional order preliminarily found that respondent had failed to complete the required courses and preliminarily concluded that the failure provided a basis for disciplinary action pursuant to N.J.S.A. 45:1-21(h) and N.J.A.C. 13:45C-1.4. The Provisional Order contemplated a final order requiring that respondent complete the continuing education within sixty (60) days and pay a penalty of \$2,500. In the event the continuing education was not completed

within sixty days of entry of a final order, respondent's license to practice would be suspended until proof of compliance was received. Finally, the Provisional Order indicted that it would be subject to finalization thirty days after its entry and gave respondent an opportunity to submit reasons why the findings and conclusions should be modified or dismissed and any mitigation she wished the Board to consider.

In response to the Provisional Order, respondent's counsel submitted two letters dated May 3, 2001 and June 13, 2001. Respondent does not deny that she failed to comply with the terms of the consent order. Respondent asserted that she had attempted to take the required continuing education courses but had been unable to find courses that satisfied the Board's order. She attached a copy of her letter of January 17, 2001, addressed to Kevin Earle, Executive Director of the Board, which requested an extension of time to complete the courses and stated that she had enrolled in a program in April 2001 relating to pediatric dentistry.\* In the May 3, 2001 correspondence, respondent's counsel advised the Board that respondent did not take the April courses referred to in her letter of January 17, 2001 as respondent had given birth on March 24, 2001. Counsel asked that the Board extend the time for completion of courses until July 1, 2002 and

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\* The Board did not grant the extension requested in the January 17, 2001 letter because the request was made after the deadline for completion of the courses set forth in the Consent Order. Rather the Board authorized the issuance of the Provisional Order that was entered on April 3, 2001.

asked that penalties be withdrawn provided she complied by that date. Finally, in his letter of June 13, 2001, counsel submitted proof of three (3) continuing education credits in radiology taken by respondent on June 8, 2001 and submitted registration information on courses in pediatric dentistry to be offered in August 2001.

The Attorney General, through his deputy Rhonda Pope-Stephens, replied to respondent's submissions by letter dated July 13, 2001 and urged the Board to impose the \$2500 penalty as respondent had not demonstrated sufficient proof of a good faith effort to comply with the order. She did not object to an extension of time to complete the courses.

The Board has considered the materials submitted and has determined that the penalty provisionally ordered is appropriate. The Board notes that respondent did not write to the Board seeking an extension of time until January 17, 2001, weeks after the deadline to take the courses had passed. Further, respondent advised the Board in her January letter that she was enrolled in courses in April of 2001. As she gave birth on March 24, 2001 it appears to the Board that she reasonably could have foreseen her inability to take those courses. Her representation that she was enrolled may be seen as a disingenuous if not dissembling

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Respondent appears to believe that the sixty day time frame for completing the continuing education ran from the date of the entry of the Provisional Order, i.e., April 3, 2001. In fact, the proposed time period was to run from the entry of a final order in this matter.

submission. Notwithstanding, the Board will permit respondent additional time to complete the remedial continuing education required by the September 6, 2000 Consent Order. Those courses are in addition to the forty (40) hours of continuing education required for renewal for respondent's license. On the record created, the Board makes the following findings of fact and conclusions of law.

#### FINDINGS OF FACT

1. Respondent is a dentist in the State of New Jersey and has been a licensee at all times relevant to these proceedings.

2. On September 6, 2000, respondent entered into a Consent Order with the New Jersey Board of Dentistry in which she agreed to pay a civil penalty in the amount of \$700.00 (\$500.00 for practicing without a current license and \$200.00 for failing to notify the Board of a change of address) and \$66.80 for costs. Respondent also agreed to complete 28 hours of continuing education (21 hours in basic in pediatric dentistry and 7 hours in radiology) pre-approved by the Board, by December 31, 2000.

3. Respondent failed to complete the continuing education requirements imposed by the Consent Order.

#### CONCLUSIONS OF LAW

1. The failure to comply with the terms of the September 6, 2000 Consent Order violates N.J.A.C. 13:45C-1.4 and provides grounds for discipline pursuant to N.J.S.A. 45:1-21(h).

ACCORDINGLY, IT IS on this 1<sup>st</sup> day of August, 2001;

**ORDERED that:**

1. Respondent shall complete the continuing education requirements as set forth in the September 6, 2000 Consent Order, not later than October 31, 2001. If respondent fails to complete the continuing education required by that date and fails to provide proof of completion to the Board, respondent's license will be automatically suspended on November 1, 2001 for an indefinite period of time pending proof of compliance with the terms of this order.

2. Respondent shall pay a civil penalty in the amount of \$2,500.00. Payment shall be made by certified check or money order, payable to the State of New Jersey and forwarded to Kevin Earle, Executive Director, New Jersey Board of Dentistry, P.O. Box 45005, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101, not later than 30 days from the entry of this order.

3. Respondent shall provide proof to the Board not later than November 1, 2001, that she has completed the forty (40) hours of continuing education required for renewal of her license for the 2001-2003 licensing period. The forty credits required for renewal shall not include any courses that were taken in satisfaction of the requirements of the September 6, 2001 consent order. In the event respondent fails to provide proof of completion of continuing education necessary for renewal, the Board, in addition to any other penalty permitted by law, may suspend respondent's license on short notice.

New Jersey State Board of Dentistry

Barbara Ann Rich, DDS  
Barbara Rich, D.D.S.  
President